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Letter dated 23 October 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 September 2002 (S/2002/1007).

The Counter-Terrorism Committee has received the attached supplementary report from Mali, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: French]

Letter dated 13 October 2003 from the Permanent Representative of Mali to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit to you herewith the second report of Mali to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, submitted in application of paragraph 6 of that resolution (see enclosure).

(*Signed*) Cheick Sidi **Diarra**
Ambassador
Permanent Representative

Enclosure

Report of Mali submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Introduction

Mali, a State which has thus far, fortunately, been spared from terrorism and is by tradition committed to peace and believes in the virtues of dialogue, has long shown that it is determined to combat terrorism in all its forms, no matter who the perpetrators and leaders may be or what motives they may have.

This determination to combat all forms of violence, including terrorism, was reaffirmed in the wake of the unprecedented barbaric and criminal attacks perpetrated on Tuesday, 11 September 2001, against the United States of America.

Soon after these attacks, which were shocking in terms of both the scale of the damage they caused and the unusual manner in which they were perpetrated, the international community made the fight against terrorism its priority.

Thus, the General Assembly, deeply concerned about the multiplication of acts of international terrorism that endanger both the lives and well-being of thousands of innocent individuals and the peace and security of all States, adopted a series of resolutions to combat this scourge, three of which are cited below.

The resolutions in question are resolutions 1269 (1999) of 19 October 1999, 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001.

In the third of the aforementioned resolutions, the Security Council decided that all States should criminalize the wilful provision or collection of funds by their nationals or in their territories in order to carry out terrorist acts, but also that they should freeze funds and other financial assets or economic resources of the perpetrators, while refraining from providing them with any form of support, including the supply of weapons.

The Security Council also emphasized the exchange of information, the denial of safe haven and of the use of States' territories, the duty to bring accomplices to justice, the establishment of terrorist acts in domestic laws and regulations as serious offences with appropriate punishments, and controls on the issuance of travel documents and movements of persons.

Mali's efforts to combat international terrorism are in keeping with its respect for a certain number of principles. These efforts flow, first and foremost, from its unequivocal condemnation of terrorism in all its forms, no matter who the perpetrators and leaders may be or what motives they may have.

At the same time, the human, political and social problems that foster terrorism should be taken into account.

Mali believes that efforts to combat terrorism must show scrupulous respect for human rights and that no attempt at oversimplification should lead anyone to confuse terrorism with Islam or to view it as a simple clash of civilizations.

Long before the unfortunate events of 11 September 2001, Mali, true to its ideals of secular peace and dialogue, was a party to all legal instruments aimed at combating this scourge concluded under the auspices of the United Nations, the Organization of African Unity (OAU) and the Organization of the Islamic Conference (OIC).

It was thus out of conviction, not a follow-my-leader attitude, that Mali, soon after 11 September 2001, vigorously condemned the base and barbaric acts perpetrated against the United States of America and acknowledged the legitimate right of the American people to defend itself against terrorist organizations and their supporters while respecting the lives of innocent civilian populations.

Mali has always supported and continues to support a strengthening of cooperation with neighbouring States and within various international forums, particularly the United Nations, in order to combat terrorism more effectively.

On this basis, Mali, convinced that efforts to combat terrorism must involve both prevention and suppression, welcomes the action taken by the United Nations and hopes that the resolutions adopted following 11 September 2001 have laid the foundation for a permanent strengthening of the international cooperation which is essential for the elimination of this scourge; equally indispensable are dialogue and assistance to States through bilateral and multilateral channels.

I.

Mali has no agency specially tasked with combating terrorism, since activities to combat terrorism and curtail its financing require extensive efforts by all State services and by the financial system.

Mali is striving to prevent its financial system from being used to finance terrorism. It has taken a number of measures, including the application of international norms for combating money-laundering, with a view to ensuring that its financial system is fully compliant with its obligations to monitor such things as the identification of clients and economic beneficiaries.

Mali is committed to developing additional rules within the framework of such subregional organizations as the West African Monetary Union (WAMU).

A review is currently being conducted with a view to instituting the mechanisms and procedures defined at the seminar on asset-laundering in the States members of the aforementioned organization held in Dakar on 7 and 8 February 2002. The seminar also focused on the links between money-laundering and the financing of terrorism.

Naturally, it is understood that Mali, bound as it is by its international obligations and its commitment to promoting and maintaining international peace and security, does not provide any form of support to terrorism.

Since it is an offence in Mali to mount a criminal conspiracy, the judicial authorities systematically institute proceedings whenever reliable corroborating evidence is found that indicates that a criminal conspiracy has been mounted for the purpose of committing acts of terrorism.

Malian legislation severely punishes violations of the regulations governing weapons, and restrictions are placed on the bearing, sale and circulation thereof.

The revised Criminal Code will contain even more stringent regulations in this area.

At Mali's initiative, a Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa was adopted at the twenty-first session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS), held in Abuja on 30 and 31 October 1998. This Moratorium, which has elicited interest throughout Africa, led to the development of initiatives in other regions, especially in the Southern African Development Community (SADC) and in the Horn of Africa.

To prevent acts of terrorism from being perpetrated, the Government of the Republic of Mali has set up a number of structures at both the administrative and judicial levels. These are:

- The Department of State Security, which is responsible for infiltrating extremist circles in order to gather valuable information about subversive projects so that appropriate decisions can be taken swiftly;
- The Malian National Central Bureau of Interpol, which is responsible for gathering and disseminating information about organized crime in general and terrorism in particular;
- The Programme for Coordination and Assistance for Security and Development (PCASED), which helps to combat the proliferation of light weapons and the use of landmines in Africa.

Alongside these structures is the National Commission to Combat the Proliferation of Light Weapons, which has been established within the Office of the President of the Republic. One of the Commission's tasks is to collect and destroy light weapons throughout the country.

Mali scrupulously honours its international obligations as a State party to the Geneva Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967, by granting refugee status to persons who meet the criteria set out in the Convention.

The National Commission for Refugees (CNCR) devotes particular attention to hearings on requests for asylum in cases where an applicant is suspected of involvement in terrorist activities.

The Commission, working through Mali's diplomatic representatives and the various offices of the Office of the United Nations High Commissioner for Refugees, conducts inquiries into the identity of applicants for asylum, their reasons for leaving their country and their means of arrival in Mali.

Under article 8 of Act No. 98-040 of 20 July 1998, concerning the status of refugees, persons granted refugee status may be expelled from Malian territory only for reasons of security or if they are sentenced to a custodial penalty for acts classified as crimes or misdemeanours.

However, such expulsion cannot be ordered, except where urgent considerations of national security and public order are involved, until an opinion has been obtained from CNCR, and the applicant is entitled to present his defence before the Commission, in accordance with article 9 of Act No. 98-040.

At the same time, under article 15 of this Act, refugees are forbidden from engaging in subversive activities that may undermine Mali's national security or in activities that are incompatible with the purposes and principles of OAU and the United Nations.

As a signatory to international security and judicial cooperation agreements, Mali cannot object to the extradition of a presumed terrorist if a third State requesting the extradition furnishes the necessary evidence.

If a request for extradition concerns a refugee, Mali is also prepared to acquiesce in cases where:

- The individual concerned has committed a crime against peace, a war crime or a crime against humanity as the term is understood in the international instruments developed to deal with these crimes;
- The individual concerned has committed a serious crime of a non-political nature outside the host country prior to being admitted as a refugee;
- The individual concerned has been found guilty of acts inconsistent with the purposes and principles of OAU and the United Nations.

To prevent its territory from being used as a base, Mali has taken specific measures by signing with the Niger, Algeria and Mauritania a protocol to combat terrorism and all underlying activities in the "no man's land" between them.

Within the framework of this protocol, an information bureau has been established in Tamanrasset to collect and disseminate all relevant information.

While abiding by the provisions of the Freedom of Association Act of 1 July 1901, the Malian authorities are legally empowered to deal with the activities of groups that break the law or disrupt the public order and seek to support terrorist organizations, even when such activities are presented as being of a cultural, charitable, humanitarian or religious nature.

Thus any group that has its basis in an illegal cause or is organized for illegal purposes, contrary to the law and public morality, must be dissolved. Dissolution takes into account not only the organization's official purpose as set out in its statute but also the objectives actually pursued by the group.

The procedures and mechanisms providing inter-State assistance to which Mali belongs, apart from the standard Interpol network, include the West African Police Chiefs Committee, which is a forum for exchanges of operational information in the context of efforts to combat terrorism in the West African subregion.

Mali has also created special units to actively fight terrorism. These include the Special Intervention Brigade, the National Police Anti-Crime Brigade and the Mobile Intervention Brigade of the customs authorities.

It should be noted that Mali is a party to a number of multilateral instruments dealing with judicial assistance and is actively developing a policy for the negotiation of new bilateral agreements aimed at strengthening and improving the legal framework governing such assistance.

Lastly, special emphasis is placed on training civil servants in general and police officers and customs officials in particular to permit the gathering and exchange of data and information.

Mali's efforts in this area focus on travel documents which are commonly used to apprehend persons under suspicion or wanted.

To this end, Mali has established two services within the National Police Department:

- The Office of Border Police Services, which deals with the issuing of passports and other travel documents. By computerizing all its activities the Office will be able to produce secure travel documents that meet international standards and monitor flows of persons across the country's borders more reliably;
- The Judicial Identity Service, which can conduct verifications and monitoring on the basis of travel and identity documents, fingerprints or handwriting (forgeries and counterfeits).

It should be noted that various controls are systematically implemented when travel documents are issued, and a personal appearance is required of applicants. These controls are chiefly intended to verify the civil status and identity of applicants, to place them on the list of wanted persons if necessary, and to issue to them the documents requested when appropriate.

In the area of operational information exchange, in addition to the internal procedures of various government departments, meetings have been held with some neighbouring countries with a view to gathering and disseminating information needed to combat suspected terrorist "dens" in northern Mali and the no-man's land shared by Algeria, Mali, Mauritania and the Niger.

An information bureau has been opened at Tamanrasset to facilitate rapid exchanges among the participating countries.

Joint patrols have been organized in an effort to halt trafficking in weapons of all types in the region. Cooperation in this area takes the form of multilateral and bilateral agreements for mutual aid and judicial assistance.

In this respect, Mali has acceded to the treaty establishing the Organization for the Harmonization of Business Law in Africa, which standardizes, inter alia, recovery procedures, means of enforcement and the law pertaining to corporations and economic consortiums for all ECOWAS countries.

Mali is already a party to 15 international anti-terrorism conventions, including 13 concluded under the auspices of the United Nations, one under the auspices of OAU and another under the auspices of the Organization of the Islamic Conference.

Mali fully applies all the said conventions, protocols and resolutions, as illustrated by the answers to the preceding questions.

After 11 September, Mali set up a working group to coordinate counter-terrorism efforts which meets at least twice a month. It reports regularly on the results of its work to the President of the Republic, the Prime Minister, all the Ministers whose departments are involved in combating terrorism, the Embassy of Mali in Washington and the Permanent Mission of Mali to the United Nations.

Mali has strengthened security measures around its accredited diplomatic missions, often by setting up barriers.

Security Council resolutions 1269 (1999), 1368 (2001) and 1373 (2001) have been widely circulated to all technical departments involved in combating terrorism and to the media.

The answers to this question have been provided under subparagraph 2 (c).

The first part of this question was answered in subparagraph 2 (c).

As to the second part of the question, in Mali, offences that could give rise to extradition are generally determined by the length of the sentence and not by their characterization and, furthermore, extradition is traditionally based on reciprocity.